

**Date:** September 12, 2006

Agenda Item No. 8(P)(1)(C)

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:**   
George W. Burgess  
County Manager

**Subject:** Resolution Authorizing a Transfer of Jurisdiction for County Owned Right-of-Way for NW 74 Street, from the Florida Turnpike East for Approximately 1213 feet, in Sections 7 and 18, Township 53 South, Range 40 East

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**At the July 11, 2006 Infrastructure and Land Use Committee meeting, the legal description to this item was amended by adding the following language: Saving and reserving an easement for underground water and sewer utilities across that portion of the above described lands lying within the North 44.00 feet of Section 18, Township 53 South, Range 40 East, Miami-Dade County, Florida.**

**RECOMMENDATION**

It is recommended that the Board of County Commissioners approve the attached resolution authorizing a transfer of jurisdiction of a portion of Miami-Dade County owned right-of-way to the Florida Department of Transportation (FDOT). The subject right-of-way being transferred is a portion of NW 74 Street from the Florida Turnpike East for approximately 1213 feet. The Public Works Director recommends approval of this jurisdictional transfer.


**BACKGROUND**

The South 44 feet of the subject right-of-way was acquired by Miami-Dade County on October 17, 2000, by virtue of the Plat of DORAL NW ENTRANCE as recorded in Plat Book 156, Page 69, of the Public Records of Miami-Dade County. The North 35 feet was deeded to the County on December 22, 1950, as recorded in Deed Book 3383, Page 584.

The FDOT is in the process of constructing a new interchange for the Florida Turnpike at NW 74 Street. In order to accommodate the approaches to said interchange, FDOT needs approximately 1213 feet of the existing right-of-way along NW 74 Street, East of the Florida Turnpike. At this time, FDOT has requested that said right-of-way be transferred to them. The Public Works Department has no objections to this jurisdictional transfer.

**FISCAL IMPACT**

The transfer of jurisdiction for this right-of-way carries no significant fiscal impact.

  
\_\_\_\_\_  
Assistant County Manager

8/14/06  
\_\_\_\_\_  
Date



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 12, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 8(P)(1)(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 8 (P) (1) (C)

Veto \_\_\_\_\_

09-12-06

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE TRANSFER OF A  
COUNTY OWNED RIGHT-OF-WAY FOR NW 74 STREET  
FROM THE FLORIDA TURNPIKE EAST FOR  
APPROXIMATELY 1213 FEET TO THE FLORIDA  
DEPARTMENT OF TRANSPORTATION, IN SECTIONS 7 AND  
18, TOWNSHIP 53 SOUTH, RANGE 40 EAST

**WHEREAS**, Miami-Dade County acquired the right-of-way for said portion of NW 74 Street by virtue of the Plat of DORAL NW ENTRANCE, as recorded in Plat Book 156, Page 69, and Right-of-Way Deed, as recorded in Deed Book 3383, Page 584, in the Public Records of Miami-Dade County; and

**WHEREAS**, the Florida Department of Transportation (FDOT) is planning to build a new interchange for the Florida Turnpike at NW 74 Street; and

**WHEREAS**, the Florida Department of Transportation has expressed a desire to obtain jurisdiction over said portion of NW 74 Street as shown in Exhibit "A" and "B",

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

1. That this Board approves the transfer of the following County – owned right-of way as legally described in Exhibit "B" to the FDOT.
2. That this transfer of jurisdiction of the above-designated roadway includes the right

and responsibility of the FDOT to maintain the existing right-of-way and infrastructure within this parcel, including road surfacing, sidewalks, storm drainage and landscaping. The FDOT assumes liability for these rights and responsibilities.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 12th day of September, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

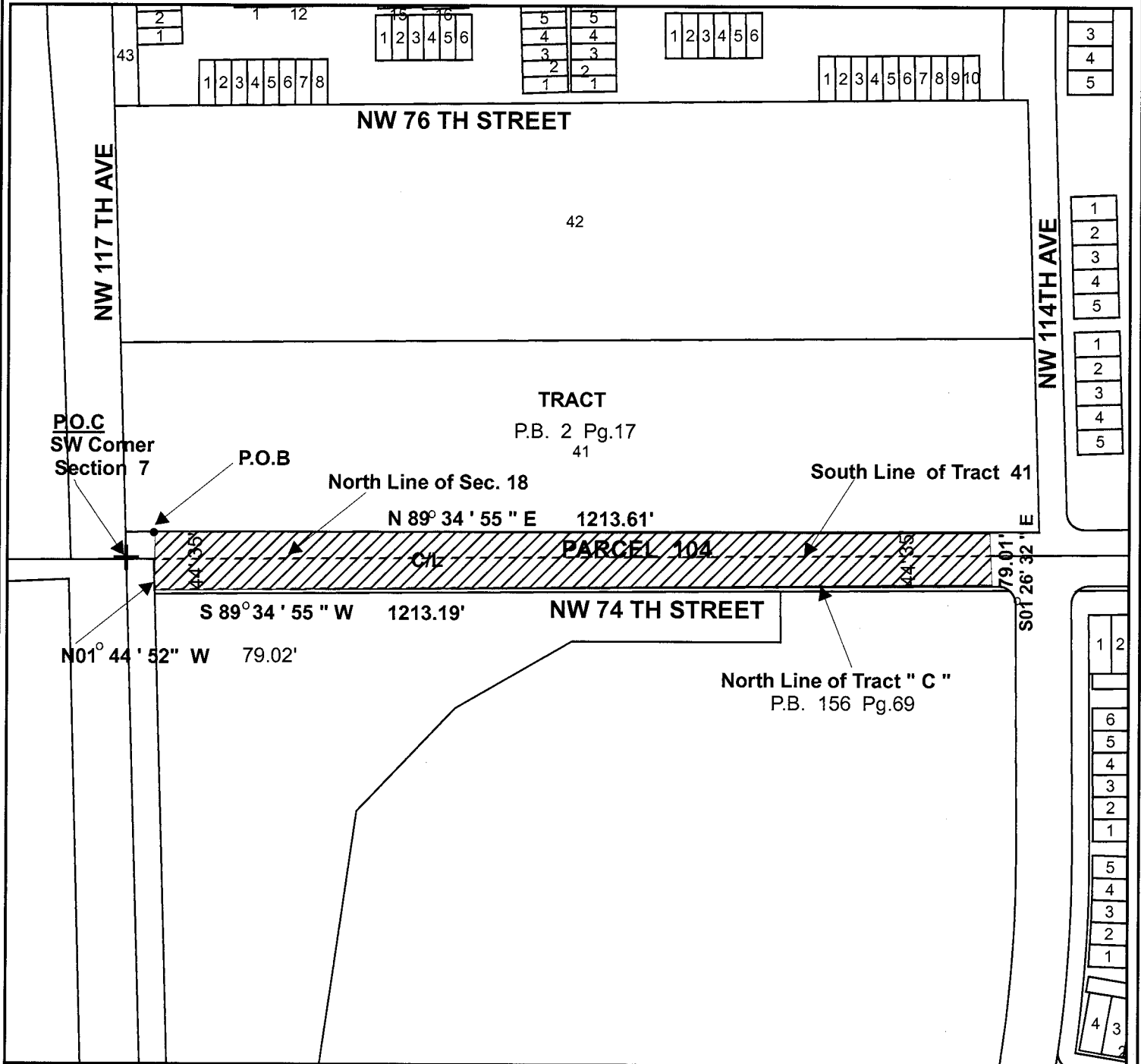
By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Thomas Goldstein

# EXHIBIT "A"



THIS IS NOT A SURVEY

SEC 7,18 TWP 53 RGE 40



RIGHT- OF-WAY TO BE TRANSFERRED

N



NTS

MIAMI-DADE PUBLIC WORKS DEPARTMENT

RIGHT-OF-WAY DIVISION

111 NW 1st STREET, SUITE 1610, MIAMI, FLORIDA 33128

PH (305) 375-2714 FAX (305) 375-2825



Prepared by: Yazmin Moreno

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**Exhibit "B"**  
**Legal Description**  
**Parcel 104**

A portion of Tract 41, **FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1** of Section 7, Township 53 South, Range 40 East as recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida, together with a portion of NW 74 Street as shown on the plat of **DORAL N.W. ENTRANCE**, in Section 18, Township 53 South, Range 40 East as recorded in Plat Book 156 at Page 69 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

**Commence** at the SW corner of said Section 7, thence N01°44'52"W along the West line of said Tract 41 for 35.01 feet, thence N89°34'55"E along a line 35 North of and parallel with the South line of said Section 7 for 40.01 feet to the **POINT OF BEGINNING** of a parcel of land hereinafter described, thence continue N89°34'55"E along said line for 1213.61 feet, thence S01°26'32"E for 79.01 feet to a point on the North line of Tract "C" as delineated on said plat of **DORAL NW ENTRANCE**, thence S89°34'55"W along said North line of Tract "C" for 1,213.19 feet, thence N01°44'52"W along a line 40.00 feet East of and parallel with the West line of said Section 18 for 79.02 feet to the **POINT OF BEGINNING**. Said lands being situated in Miami-Dade County, Florida, containing 2.201 acres more or less.

Saving and reserving an easement for underground water and sewer utilities across that portion of the above described lands lying within the North 44.00 feet of Section 18, Township 53 South, Range 40 East, Miami-Dade County, Florida.